

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 675 OF 2005

Union of India & anr. ... Petitioners
Versus.
B.M.Sarwade and others. ... Respondents.

Shri Suresh Kumar with Dr.Ashok Bhatija for the
Petitioners.

Shri P.A.Prabhakaran i/by Shri S.G.Pillai for the
Respondents.

**CORAM : SMT.RANJANA DESAI &
ABHAY S. OKA, JJ.**

DATED : 16th November, 2005.

P.C.:

1. We have heard Shri Suresh Kumar, learned counsel
appearing for the petitioners and the learned counsel
appearing for the respondents. The main submission of
Shri Suresh Kumar is that the impugned order of the
Tribunal is contrary to the ratio of the judgment of the
Supreme Court in Union of India v/s. Mohan Pal and
others, reported in (2002) 2 S.C.C. page 573. We,
however, find from the impugned judgment that the
Tribunal has made reference to Mohan Pal's case (supra)
in paragraph 8 of the judgment and thereafter passed the
following order:

""10. Accordingly, in our considered view
even if respondents deny the scheme of
10.09.1993 applicable to the applicants on
account of continuous service put in by

applications, they deserve to be considered for regularisation. Respondents are directed to consider the applicants for regularisation provided they fulfill all the conditions enforceable for employment under relevant recruitment rules. This exercise shall be carried out within a period of two months from the date of receipt of copy of this order."

Having applied its mind to judgment of the Supreme Court in Mohan Pal's case, the Tribunal has given the above direction. The above direction merely directs the petitioners to consider the case of the respondents for regularisation provided they fulfill all the conditions of relevant recruitment rules. Therefore, there is no need to interfere with the impugned order of the Tribunal. Besides, the impugned order is dated 27th August 2004. The action contemplated by the said order was to be taken within a period of two months. The present petition is filed on 17th January 2005 i.e. after expiry of the said period of two months. In such circumstances, we are unable to entertain the petition.

Petition is dismissed with the above observations.

(Smt.Ranjana Desai, J.)

(Abhay S.Oka, J.)